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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,291	02/13/2004	William George Wilhelm	NEXTEK-BALLAST-CON	7429
4988	7590	07/25/2005	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			PHILOGENE, HAISSA	
			ART UNIT	PAPER NUMBER

2828

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,291

Applicant(s)

WILHELM, WILLIAM GEORGE

Examiner

Haissa Philogene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☐ Claim(s) 1,5-7,9,10,16,18-26,30-32,34 and 35 is/are rejected.
- 7) ☒ Claim(s) 2-4,8,17,27-29,33,36 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 10, 18-22, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bedard, Patent No. 4,484,190.

As per claim 1, Bedard discloses an on/off switching system (Figs.1 and 2) for at least one electronic ballast (10) for at least one lamp (12), of at least one lighting fixture (see Col.9, lines 60-63), said system comprising said at least one ballast 10 having power electronics Q12-Q20, said system further having a remote switch function provided by system 30 in said at least one ballast, said remote switch function (30) remotely located apart from said ballast (10) (as shown), said remote switch function via on/off control means (44) capable of being operated with a low amount of control current and little power loss to cause a turn OFF (see Col.7, lines 15-18), said on/off switching system further comprising at least one connection via on/off output 44b and first input 50a connecting said remotely located switch (44) to a ballast resident isolation circuit (50) with associated interfacing electronics (Q12-Q20) within said at least one ballast (10), said at least one ballast (10) providing via isolation interface means (50) high electrical isolation between said remote switch function (30) and said ballast power electronics (Q12-Q20) to each said lamp 12.

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As per claim 22, Bedard discloses in Figs. 1 and 2 an on/off switching function system for at least one electronically interfaceable end-use appliance device or ballast 10 which functions through on/off control (Q12, Q13), said device having an on/off switch function (Q14, Q20) , said system having power electronics or ballast (10) said system further having a remote switch function via system 30, said remote switch function (30) remotely located apart from said device resident power electronics (10), said remote switch function (30) via on/off control means (44) capable of being operated with a low amount of control current and little power loss to cause a turn OFF (see Col.7, lines 15-18), said on/off switching system further comprising at least one connection via on/off output 44b and first input 50a connecting said remotely located switch function (30) to a isolation interface circuit 50 providing high electrical isolation to said power electronics (10), said power electronics through components Q12-Q20 providing electrical computability between said switch function (30) via isolation circuit 50 and the operation of said device 10 to power lamp 12.

As per claims 9 and 34, Bedard discloses an isolated photo-transistor portion 25a of said isolation circuit 25 being controlled by light emitted by a light emitting diode (LED) 26 within said isolation circuit 25.

As per claims 10 and 35, Bedard further discloses a collector-emitter junction on transistor Q20 controlling on/off operation via line W of a high frequency inverter circuit (via Q14 and Q20 in Fig. 1 and see Col.2, lines 61-66) used to provide AC power to each said lamp 12 of each said lighting fixture.

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As per claims 18-21, Bedard further discloses in Figs.1 and 2 the remote switch function (30) being provided by an electronic type switching arrangement (as shown) which includes at least one transistor 25a, that is remotely programmable (see Col.2, line 14), and said remote switch function having a fully isolated remote switch or transmitter 35.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard in view of Luchaco, Patent No. 6,528,957.

As per claims 23-25, Bedard discloses the claimed invention substantially as explained above except for the device being motor driven appliance or electrical heater or industrial control equipment. Luchaco discloses in Fig.1 an on/off switching system comprising a load device 14 capable of being motor driven appliance or electrical heater or industrial control equipment (see Col.4, lines 7-10, Col.5, lines 37-38 and Col.6, line 9). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the motor or heater or industrial control equipment as taught by Luchaco into the Bedard type system. This can be done by replacing the Bedard's lamp load with the Luchaco's motor load or heater or industrial control

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equipment. Thus, it would allow utility loads that can be controlled for low power consumption.

As per claim 26, Bedard in view of Luchaco discloses the claimed invention substantially as explained above. Further, Luchaco discloses said load device or appliance 14 readable as benefiting from proportional on/off control provided by output circuit 33 through power on/off switching circuit 34 as means for power modulations (see Fig.1 and Col.5, lines 12-14).

Claims 5-7 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard in view of Storey, Patent No. 6,011,682.

Bedard discloses the claimed invention substantially as explained above except for the connection being a modular phone connector, a plurality of lead wires being telephone wire or any low voltage, signal grade or larger wire common to control system and said telephone wire being a flat multi-conductor cable. This feature is well-known in the art as evidenced by Storey which discloses in Figs.1, 10 and 11 an on/off switching system having a connection being a modular phone connector 402, a plurality of lead wires 405 being telephone wire or any low voltage, signal grade 403 and said telephone wire being a flat multi-conductor cable 407. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the connection as taught by Storey into the Bedard type system, because it would ensure a low cost, flexible modular system capable of protecting sensitive equipment from lightning damage.

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Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard in view of Sammis, Patent No. 4,149,113.

Bedard discloses the claimed invention substantially as explained above except for the on/off switching system being applied to a blinking function used as an attraction in lighted advertising signs. This feature is well-known in the art as evidenced by Sammis which discloses in Fig.1 an on/off switching system to control the intensity of a lamp 50 used in various ways including advertising signs by providing an inherent blinking function when it is in a flash operating mode as switch contact 42 is grounded (see Col.1, lines 12-14, 18-20, 55-64 and Col.4, lines 50-53). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the blinking function as taught by Sammis into the Bedard type system, because it would allow various types of illuminating effects.

#### ***Allowable Subject Matter***

Claims 2-4, 8, 17, 27-29, 33, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-15 are allowed.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (571) 272-1827. The examiner can normally be reached on 8:30 A.M.-6:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MinSun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hp

Haissa Philogene  
Primary Examiner  
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